

Nevada State Board of Physical Therapy Examiners

Board Policy Manual

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1. Applicable Statutes and Administrative Code

The practice of Physical Therapy within the state of Nevada is governed by NRS: Chapter 640 which can be found online at:

<http://www.leg.state.nv.us/NRS/NRS-640.html>

And also by NAC: Chapter 640 which can be found online at:

<http://www.leg.state.nv.us/NAC/NAC-640.html>

The following Statutes are also apply to the Nevada State Board of Physical Therapy Examiners:

- NRS 232A – Boards, Commissions and Similar Bodies
- NRS 232B – Legislative review of Public Agencies
- NRS 233B – Nevada Administrative Procedure Act
- NRS 236 – Holidays And Periods Of Observance
- NRS 239 – Public Records
- NRS 241 – Meetings of State and Local Agencies
- NRS 622 – General Provisions Governing Regulatory Bodies
- NRS 622A – Administrative Procedures before certain Regulatory Bodies
- NRS 629 – Healing Arts Generally

2. Customer Bill of Rights

Nevada State Board of Physical Therapy Customer Bill of Rights

1. 1. To expect polite and courteous service
2. To always be treated as a priority
3. To expect quality service
4. To have questions about a request answered promptly and helpfully
5. To report any shortcomings in service and expect acknowledgement
6. To compliment exemplary people and service whenever due
7. To have all matters handled in the same manner, for all individuals

2. Executive Director Job Description

Administrative Functions

- All operational aspects of the Board office
- Prepare and manage Board correspondence
- Follow Board directives
- Assure priority matters receive prompt and appropriate attention
- Ensure compliance with all state and federal requirements
- Maintain database and all office programs
- Maintain files of licensees, expired licensees, withdrawn applicants, denied applicants, etc.

Financial Management

- Log in all payments
- Pay bills
- Reconciles statements
- Prepare deposits
- Pay staff, Board members, ACCE
- File state and federal payroll forms
- File retirement contribution reports
- Prepare budget
- Arrange for bi-annual audit
- Assist in audit process
- Review contracts/costs
- Prepares reports for all meetings

Licensure Activities

- Distribute, receive and process applications
- Authorize candidates for NPTE
- Contact with applicants
- Contact new graduates with NPTE score
- Process graduate requests
- Perform annual renewal of licenses
- Perform annual continuing education audit
- Pre-review applications for Board approval
- License upon approval

Communications/Reporting/Meetings

- Website – agendas, licensees, forms, con ed classes, etc.
- FSBPT
- National Databank
- Records Requests
- Newsletter creation and distribution
- State requirements
- Prepare agendas, minutes for Board and ACCE
- Register and travel plans for members, employees for training, courses, meetings

Complaints/Disciplines

- Maintain complaint database
- Initiate communication for complaints
- Prepare cases for review by IBM
- Prepare subpoenas
- Forward appropriate cases to DAG
- Process Consent Decrees

Timely notice complaints
Be a prepared witness for hearings
Ensure collection of imposed fines
Ensure licensees comply with Board orders/requirements

3. Licensing Coordinator Job Description

The objectives of the Licensing Coordinator are to:

- answer the multi-line phone system
- greet and assist walk-ins
- receive and process incoming mail, faxes, and deliveries
- process outgoing mail
- process changes of address
- data entry of licensure applications and creation of hard files
- communicate with the licensure applicants as primary contact
- data entry of continuing education courses and preparation of review sheets
- assist the Executive Director
- file loose papers, licensee files, continuing education information, etc.
- prepare copy projects
- update FSBPT website with new licensees
- maintain a clean office environment (vacuuming, dusting)
- prepare license verifications
- data entry of completed routine inspection sheets (not complaints)
- review continuing education audit certificates for course approval status
- assist Director in calling applicants who have passed the NPTE

(Amended 11/14/2013)

4. Advisory Committee on Continuing Education

Nevada State Board of Physical Therapy Examiners - Amended and Approved by the Board 07/2012

Definition of continuing education

Continuing education in physical therapy is a way to formally document participation in activities that are intended to develop and increase the knowledge, skills and professional performance and competence of the licensee. Additionally, continuing education prevents professional obsolescence by staying current with new developments in theory and practice and preventing skill and knowledge deterioration.

Clinical Physical Therapy Practice

Physical therapy practice implies that the continuing education course must meet criteria in the three categories listed below.

1. The course must address at least one topic that covers an aspect of clinical practice directly related** to patient care along the continuum of active pathology, impairment, functional limitations and disability.¹
 - Core knowledge
 - Examination and evaluation Prognosis
 - Diagnosis
 - Clinical decision making
 - Clinical guidelines
 - Evidence-based practice (as defined by Sackett DL, Straus SE, Richardson WS, et al. Evidence-based medicine: how to practice and teach EBM. 2d ed. Edinburgh: Churchill Livingstone, 2000 as found in The Internet Journal of Allied Health Sciences and Practice, Vol. 3, No.4; defined at end of this document)
 - Intervention
 - Wellness, health promotion and fitness
 - Outcomes
 - Psychosocial issues (e.g., mental health, ethics, gender issues, cultural issues including spirituality, racial issues, professionalism as they relate to the practice of physical therapy)
 - Risk Reduction and prevention
 - Technology
2. The course must be taught by one individual or a team of individuals who hold a comparable level of education as a physical therapist and/or who have:
 - Exhibited experience in the topic
 - Demonstrated expertise in the topic
3. The course must be sufficiently rigorous to be comparable to at least the current entry level physical therapist or physical therapist assistant practice in any areas of physical therapy practice including:
 - Hospitals (e.g., critical care, intensive care, acute care, and sub-acute care settings)
 - Outpatient clinics

- Rehabilitation settings
 - Skilled nursing extended care, or sub-acute facilities
 - Homes
 - Schools
 - Hospices
 - Corporate or industrial health centers
 - Industrial, workplace, or other occupational environments
 - Athletic facilities
 - Fitness centers and sports training facilities
4. If the course is self-paced (e.g., CD, DVD, book, audio, web-based), then a sufficiently rigorous post-test must be administered.

**Courses that are tangential or indirectly related to clinical practice will be reviewed and evaluated on a case by case basis.

Non-Clinical Physical Therapy Practice

The course must address as least one topic of an aspect of physical therapy practice.

- Healthcare policy
- Healthcare administration
- General healthcare education
- Healthcare teamwork
- Physical therapy documentation
- Physical therapy reimbursement
- Physical therapy safety issues
- Physical therapy employment issues
- Interdisciplinary issues involving physical therapy
- Physical therapy research
- Physical therapy case management
- Medico legal issues
- Patient satisfaction
- Language courses directly related to physical therapy practice

Courses not likely to receive approval for clinical or non-clinical education credit

1. Courses that are:
 - Beyond the scope of physical therapy practice
 - Clearly under the purview of another discipline
 - Too basic or elementary for entry-level physical therapy or physical therapist assistant clinical practice

- Related to marketing strategies or expanding clinical practice
- About revenue generating issues
- About issues related to an area of clinical practice for which the scientific evidence has clearly invalidated the topic
- About a practice that is not accepted by contemporaneously practicing physical therapists
- About general self-improvement (e.g., self-help courses, communication improvement courses, business practice improvement courses)
- Employment law
- Language courses unrelated to physical therapy practice
- University coursework unrelated to healthcare
- Computer education courses
- Animal physical therapy related courses
- Training faculty

2. Courses that do not have sufficient documentation including:

- Course overview and objectives
- Hour-by-hour timeline (for courses 4 or more hours in length)
- Bio sketch of the instructor(s)
- No post-test for non-onsite course

Guidelines:

Operate on a 50 minute hour

Do not consider the lunch break in the units awarded

Largest percentage of time will determine if awarded clinical or non-clinical units

Maximum of .8 units can be awarded for non-clinical course

Maximum renewal units for any course is 1.5

There are no maximum units for "all other purposes" approvals

Any course 4 hours or longer requires an hour-by-hour timeline

Definition of Evidence Based Practice:

Evidence based practice is the integration of best research evidence with clinical expertise and patient values. This definition states that clinical decision-making should be based on three components:

1. Best research
2. Clinical expertise
3. Patient values

References:

1. Nevada Physical Therapy Board Practice Act
2. Guide to Physical Therapist Practice. Second Edition. American Physical Therapy Association. Physical Therapy 2001;8(1): 9-746.
3. Sackett. DL. Straus. SE. Richardson. WS Rosenberg. W. Haynes. RB. 2000. Evidence-Based Medicine. How to Practice and Teach EBM (Evidenced Based Medicine). 2nd edition. Churchill Livingstone. NY.

5. Policy on Request for Documents

Licensees or Expired Licensees Requesting Information:

Upon a written and signed request of a licensee, or expired licensee, the Board will provide a copy of a requested item contained in the file of a licensee/expired licensee. The copy will be mailed to the person at their residential address of record. The Board will not fax the information due to the sensitive and private nature of the information on the report, which includes date of birth, social security number, etc.

Professional and personal reference letters received in association with an initial application will not be released without the written permission of the author of the letter. It is suggested that the licensee/expired licensee contact the reference directly for a copy of the reference letter.

Such requests will be responded to within 3-5 business days. The request letter will be initialed by the Board employee who filled the request, along with the date of the response.

The original request document will be placed in the licensee/expired licensee file.

Request for Disciplinary Documents:

Disciplinary documents are public documents and must be provided upon receipt of a written and signed request. Such requests will be responded to within 3-5 business days. The document will be faxed or mailed, depending on the request of the recipient.

The request letter will be initialed by the Board employee who filled the request, along with the date of the response. The original request document will be placed in the Records Request folder.

Requests for Fingerprinting:

If a licensee/expired licensee requests a copy of their fingerprinting report, they must provide a written and notarized request to the Board office. The Board must log the request and distribution information in the fingerprinting dissemination log, along with the original request letter. This is required by federal law. The copy may be mailed to the residential address provided, or by the requestor appearing in the Board office for personal delivery. A copy may not be scanned, faxed or mailed to a business. These provisions are set forth in federal law.

Fingerprinting reports are not available to any other individual or entity; only the licensee/expired licensee. Neither Law enforcement nor other licensing jurisdiction may be provided a copy under any circumstances.

Created: September 1999

Updated: November 2012

6. Case Assignment Guidelines

Upon receipt of a complaint, the executive director shall assign a case number and assign an inspector. Cases in the north shall be assigned to a northern area inspector, cases in the south shall be assigned to a southern area inspector. Cases in rural Nevada shall be assigned to an inspector who has the availability to travel to the area.

Upon receipt of a completed report by an Inspector, the case file shall be copied and assigned to a board member.

Assignment Guidelines:

1. Cases that are clinical in nature shall not be provided to the public member.
2. The chairman shall not be assigned cases unless a quorum* cannot be established otherwise. The chairman must be able to proceed over any hearings that may occur and has other duties that require their involvement each month.
3. Cases involving multiple licensees at one location shall be assigned to the same board member. Assigning to multiple board members would result in the lack of a quorum as the members would be required to recuse themselves as they had knowledge of the case(s).
4. Multiple cases involving the same licensee shall be assigned to the same board member, if an active case is pending at the time of receipt of any subsequent complaints.
5. When possible, cases shall not be assigned to a board member who has worked with the licensee within the immediate past 3 years.
6. When possible, cases shall not be assigned to a board member who was the professor of the licensee within the immediate past 3 years.

Due to fact that the Las Vegas area is home to a far greater number of licensees than the northern part of the state, cases cannot be assigned solely based on the practice location of the licensee. This would create an undue burden on those in the north. Additionally, if the Chairman is in the north, this would create a hardship on the member in north who would be required to review the majority, if not all, of the southern cases.

Nevada has a relatively small population of licensees and therefore board members may know a licensee through an educational setting, involvement in the professional association, a clinical affiliation, a work setting, a continuing education course, etc. A board member must refuse to be the investigating board member, and recuse himself from any discussion/action at a board meeting, if he/she believes his/her prior or current relationship with the licensee will affect his/her decision in any way.

**quorum is 3 members of the board, as cited in NRS 640.030(6)*

Updated 11/2009

7. License Reinstatement Process

Per NAC 640.050, a license that which has been expired less than 2 years is eligible for reinstatement.

A person who wishes to reinstate their expired license must request the reinstatement in writing, with signature. The request must also include the current residential address of the applicant.

Board staff shall generate a reinstatement form to the reinstatement applicant. The form shall include the cost of the reinstatement, the number of continuing education units required and the deadline for the form to be received by the Board.

Reinstatement paperwork is processed within 1-3 days of request. Upon receipt of a completed reinstatement form, Board staff verifies the continuing education of the applicant, ensures all reinstatement questions have been answered, ensures the form is signed and dated and that payment is accurate.

If the applicant has completed the number of units required, paid the appropriate fee and has not answered "yes" to questions pertaining to arrests, the license shall be reinstated.

If the applicant did not attend approved courses, did not provide the appropriate fee, failed to answer the questions, or did not sign the form, staff shall return the form, fee and any attachments to the applicant. The returned items will be mailed with a cover letter explaining what item(s) is missing and how the applicant can rectify. The cover letter shall also include the deadline to file the form.

Created: June 2000

8. License Renewal Process

Annual license renewal is performed via the Board's website. From June 1 to July 31, the site shall include a link for license renewal. The Director shall ensure the link is available and the payment site is working, at least 10 days before the renewal period. A test of renewals will be made by the Director to ensure (a) renewals can be processed, (b) fees can be accepted, (c) payments reach the Paypoint site, (d) renewals are noticed to the data site, (e) email notifications of each renewal is made.

A blank renewal form shall also be posted to the website. The form will be available from June 1 thru July 31 only. The Director shall post and remove the form renewal cycle.

Licensees may request a paper renewal form by providing a written request, with signature. Requests are accepted via mail or fax. Requests will be processed within 1-3 days of receipt. The renewal form will be created from the information in the database, which is specific to each licensee. The form shall be mailed to the licensee's residential address of record.

Renewals are processed in the order received, irrespective of method of receipt (mail, on-line, hand delivered to Board office). Board staff shall ensure that all renewals are processed as quickly as possible, and within 1-3 days of receipt. The turnaround timeframe in which renewals can be performed is based on the number of renewals received at any given time.

Renewals cannot be processed at the Board office, while the licensee waits, unless there are no other renewals to process. This is to ensure a timely and fair process to all licensees.

Current licenses are mailed to the licensee at his residential address of record. Licenses will not be faxed or held for pick-up.

Updated: June 2012

9. Licensure Application Process

Application availability: Applications for licensure are available via the Board's website, via email request, via phone request, or via personal request at the Board office.

Applications requested via email or phone will be mailed within 2 business days of request. A copy of the postmarked mailing envelope will be made and filed in the "Mailed Applications" folder. The application number will be listed on the envelope, as well the application type (PT or PTA, exam or endorsement, US or foreign-trained). Applications provided upon personal request at the office will be noted in the "Mailed Applications" folder, including the name of the applicant, type of application and the date provided.

Original fingerprinting information is provided in the hard copy applications. It contains the instructions, two fingerprinting cards, and civil applicant waiver.

Applicants who obtain their applications via the Board's website are directed to email the Licensing Coordinator for the fingerprinting information. The Licensing Coordinator will reply with the .pdf file which contains the instructions, sample fingerprinting card and civil applicant waiver. The Licensing Coordinator will print the email request and place in the requested fingerprinting file. The fingerprinting information cannot be posted to the website due to the policies of the FBI and the Nevada Department of Public Safety. They will not allow us to have our account numbers (as assigned by their respective agencies) placed on any public website.

Upon receipt of an application:

All pages of the application and any received materials are date-stamped. Original fingerprinting cards must be date-stamped on the back of the cards in the area designated by the FBI. The cards may not be date-stamped on their face as the FBI will not accept them.

The application is reviewed by the executive director for completeness. If all items have been received and are completed, the application is provided to the Licensing Coordinator to process.

Reasons for returning an application:

- Payment not provided
- Payment incomplete; missing date, signature, etc.
- Personal information not provided (date of birth, SS#)
- References not provided
- Jurisprudence examination not provided or incomplete
- Not notarized or notary section not completed
- Educational information not listed or incomplete
- Incomplete information regarding physical therapy experiences
- Licenses not listed (for endorsement applicants)
- Questions not answered (child support, arrests, disciplines in other jurisdictions, etc).
- Photo not provided

Processing an application:

A database record in the licensing file is created using the information from the application. Staff enters all information from the application into the database. The information includes details of the application fee, as required by the accountant.

A hard file is created to hold the materials. It is this file that will become the file of the licensee. A check-off sheet is placed on the outside of the hard file. The check-off sheet contains the same information as the database record.

The jurisprudence examination is graded. A copy of the graded examination is mailed to the applicant. The original is placed in the file of the applicant.

The hold file is checked to determine if any application materials arrived prior to the application. The hold file contains information received in which an application has not yet been received. Such information will be held for 6 months from date of receipt.

All information received in relation to an application is marked into the database with the date received. The date received is also noted on the check-off sheet.

Processing of hard card submission fingerprints:

A copy of the cards and fee are made and retained in the application hard file. The original cards and fee are mailed to the Department of Public Safety. The date the cards are mailed is noted in the database as well as the hard file. The original civil applicant waiver is attached to the prints copy and fee copy.

Processing of electronic submission of fingerprints:

The date the prints were submitted electronically is noted in the database as well as the hard file. The original civil applicant waiver is placed in the hard file.

If fingerprint information is submitted prior to an application, a hard file will be created to hold the information. A database record with the status "Fingerprint" will also be created.

Processing of received items:

As items are received, they are entered into the database as well as noted on the check-off sheet.

Transcripts -

Physical therapy/physical therapist's assistant's accreditation is verified using the information from the Commission on Accreditation of Physical Therapy Education. This is to ensure that the program was accredited at the time of graduation. Original transcripts in sealed envelopes are required.

For physical therapist applicants who have not graduated from an accredited program, the applicant will obtain a credentials evaluation from the FCCPT that reflects the education is substantially equivalent to an accredited program in place at the time of their graduation. The report is received directly from the FCCPT via email. If the education is not substantially equivalent, the applicant will be contacted and advised to refer to their copy of the evaluation for information on missing courses/credits.

PTAs must provide high school transcripts as well. The Board has determined that a GED is acceptable to apply for a PTA license, and therefore an original verification of the GED is required.

Scores -

Scores are received directly from the FSBPT and are noted with the score and either pass/fail based on Nevada policy in place at the time the applicant took the test. If the score is not passing, the applicant shall be notified and advised of the requirement to pass according to Nevada policy. They will be advised they can withdraw their application if they do not want to take the test again.

License verifications -

License verifications must be received directly from the issuing body in a sealed envelope. For jurisdictions that offer a certified verification via email, the Board will accept those as well.

References –

References must be signed to be accepted, and must be submitted with the application.

Language test scores –

Must be received directly from the testing service. Copies from the FCCPT or other entity are not accepted.

Update to and from applicants:

Applicants are encouraged to call or email for their status. The applicant file will be noted with the communication, including the date and the initials of the staff member who communicated with the applicant. Changes of residential address or professional address will be accepted in writing via email, mail or fax. Verbal changes will not be accepted. Applicants are asked about changes of address throughout the licensure process to ensure accurate information is in their file.

Request for status from third party –

An applicant may sign a release allowing the Board to discuss their application with a specific person, whether that is a recruiter or employer, etc. The Board will not discuss an application with any third party without such a release.

Changes of residential address or professional address will be accepted in writing via email, mail or fax. Verbal changes will not be accepted. Applicants are asked about changes of address throughout the licensure process to ensure accurate information is in their file.

Completion of application:

Once all required items have been received, the application file will be reviewed by the director to ensure all items meet the criteria for licensure. If all items are acceptable, the application, NPTE score and school transcript will be copied. The copy will be scanned and provided via email to two of the Board members for review and signature. The public member shall not review applications for licensure.

Upon receipt of both signature pages, the director will issue the license. If the applicant has provided a Nevada employer, a copy of the license will be faxed to that location. A copy of the license will be placed in the file. The

original license, parchment permanent license, most recent newsletter and cover letter will be mailed to the licensee at his residential address of record. The cover letter includes the license number and reminders regarding address changes and communicating with Board the office.

The file will be provided to the Licensing Coordinator to update the new license on the Federation of State Boards of Physical Therapy website. The file will be presented to the Board members at the next meeting of the Board for ratification by all members, on the record.

After ratification, staff shall secure all items into the file and place within the licensure files.

Usual reasons for required appearance before the Board. Please refer to NRS 640.160 for complete language.

Applicants who have had a 2 or more year absence in practice, or who had a more than 2 year gap in the past and have not worked for at least the immediate past 1 year full-time or 2 years part-time, are required to appear before the Board. Established using NAC 640.050.

Applicants who have more than 2 arrests for driving under the influence and/or drug related offenses are required to appear before the Board. Established using NRS 640.160.

Applicants who have had their license to practice physical therapy suspended, revoked or in any way limited by another jurisdiction are required to appear before the Board. Established using NRS 640.160.

Applicants who fail to disclose an arrest, charge or conviction are required to appear before the Board. This includes an applicant who disclosed information, but the information was not complete. Established using NRS 640.160.

Applicant who are requesting to take the NPTE a third or subsequent time. Established using NRS 640.100.

MILITARY AND THEIR SPOUSES: In accordance with the Governor's Executive Order 2012-11, and AB349 of the 2013 legislative session, the applications of active military, their spouses, veterans and surviving spouses will receive priority processing. Additionally, such applicants will be required to provide only their physical therapy school transcript (no undergrad) and only 2 professional references (not 3 professional and 1 personal). Board staff will conduct license verifications via the licensing jurisdictions websites and print the verifications for the applicant's file. The applicant will receive a 50% reduction in the application fee. The applicant must have their NPTE score transferred to the Board, and fingerprinting remains a requirement. Upon receipt of an application, Boars staff must provide a written status to the applicant. The Board has 10 days from receipt of the fingerprinting results to license the candidate, provided all other information has been received.

10. Continuing Education Approval Process

Application:

- The Board Office receives a Continuing Education (Con Ed) application from the Provider for the proposed course. It is opened and date stamped given to the Director.
- If all information is complete, and the course is not currently approved or pending approval, the Director processes the payment, and returns the course to the licensing assistant for data entry into the continuing education database.
 - If the course is already approved or pending approval, or if all information is not provided, the director will write a brief letter to the submitter indicating the deficiencies. A copy of the letter is retained, and the original letter and course submission are returned.
- A course that can be processed is entered into the continuing education database.
 - If the Course has been approved before, the licensing assistant marks it as Previously Approved (PA)/Pending and list the units awarded previously.
- If the Course has not been approved before the licensing assistant will enter as NEW.

Conduct Meeting:

- The director contacts all Committee members via email to secure a date for a meeting. Once the date is set, the director creates an agenda. Meetings are scheduled as needed, never more than 90 days apart, to ensure compliance with regulation.
- The director creates the agenda and posts it to the Board's website; prints the review pages and the licensing assistant makes copies of the agenda and the courses. The agendas are mailed to those on the mailing list. The copied courses are sent to the northern contact.

After the Committee Meets:

- The director writes the approved units to the review form. The licensing assistant will enter the units, date approved, etc. into the Database.
- The director processes all denied courses into the database, and creates letters to the applicants as to the specifics of the denial. Original letters are mailed. Copies are placed with the submission materials and filed.
- Upon completion of the data entry of approved courses, the director will print letters to go out to all Providers. The licensing assistant will make copies, send out the original letters via USPS, and place the copies with the submissions. They will be filed in alphabetical order.
- The director will post the approved courses to the Board's website.
- Course submissions are kept for 3 years.

11. Policy on Request for Practice Act Questions

Clarification of any matter within the practice act can be asked at any time, by emailing, calling, faxing, writing, emailing the Board office, or appearing at a regularly scheduled meeting of the Board. Board staff maintains historical information on all matters requested of the Board and can respond to such requests with detailed information.

Any person may request clarification of the practice of physical therapy as it pertains to Nevada law. The question may seek to clarify a statute or regulation, to request reconsideration of a previous decision/clarification, or any other matter within the practice act.

If a decision by the Board has been rendered on a particular matter, such information will be provided to the requestor. If the requestor would like the Board to address a matter not previously considered, or request reconsideration of a previous decision, the request must be submitted in writing.

Requests shall be placed in writing, with signature, to the Board office. The request must reference the specific statute or regulation, if it exists.

The matter will be placed on the next available agenda of the Board.

Created: September 1999

12. Policy Regarding Contact between Board Members and Members of the Public

1. It is the policy of the Nevada State Board of Physical Therapy Examiners (hereinafter, the "BOARD") that licensees and all members of the public are encouraged to communicate with the BOARD, subject to the guidelines set forth herein.
2. Licensees and members of the public are free to communicate directly with members of the BOARD regarding matters over which the BOARD has jurisdiction and/ or control.
3. Licensees and members of the public are encouraged to communicate with the BOARD through the Board office since the majority of issues or questions which arise are likely to be resolved at that level.
4. Members of the BOARD cannot discuss pending disciplinary matters and investigations before the BOARD.
5. Members of the BOARD cannot provide legal advice or any interpretations of any law, statute or regulation on any subject.
6. Members of the BOARD may limit or discontinue a communication with a licensee and/ or member of the public, as they deem appropriate.
7. This policy is meant to eliminate any confusion for licensees and members of the public on the issue of communicating with the BOARD, and is meant to supersede any prior public statements by the BOARD on this issue.

VG1 86023v1 05/13/11

13. Policy on Complaints against Board and Staff

If a complaint is received against a board member, the complaint must be forwarded to the Chairman of the Board and legal counsel to address. If the complaint is against the Chairman of the board, the complaint will go to legal counsel only. The complaint shall be investigated to determine any acts or omissions or illegal conduct. An investigation will include but not be limited to, interviews of all concerned parties and review of any pertinent records of the board and/or submitted by the complainant. If it is determined the complaint was valid, the information will be submitted to the Governor per NRS 640.030(5) which provides that the "Governor may remove any member of the Board for incompetency, neglect of duty, gross immorality or malfeasance in office". The outcome of the complaint will be communicated, in writing, to the complainant.

If a written complaint against a staff member is received in the Board office, it shall be immediately forwarded to the Chairman for investigation. The Chairman shall review any pertinent records in the board office and information provided by the complainant. The Chairman shall interview the staff member; the complainant and any other party to the matter (i.e. board staff, recruiters, and employer). If the investigation reveals that staff failed to perform their duties, failed to follow the policies of the board or the requirements of the practice act, the chairman shall place the item for review by the board at the next available meeting of the board. The board will review the complaint details and determine any action to be taken, if any. The outcome of the complaint will be communicated to the complainant.

If legal counsel or a board member receives a complaint against staff, it shall be immediately forwarded to the Chairman for investigation. An investigation shall be performed as per paragraph two of this document.

If contacted by the Office of Constituent Services, Governor's office or member of the legislature, the executive director shall provide any and all information to assist in the immediate resolution. This may include confirming policies, citing requirements in the practice act, releasing information included in the applicant/licensee file and anything necessary to address the concerns of the person inquiring. The contact information of the Chairman and legal counsel shall be offered to the caller. If the matter is handled by the executive director and no contact with the chairman or counsel was conducted by the caller, the chairman shall be updated that a complaint had been received and the manner in which it was addressed.

Complaints must be specific in nature to afford the board member/staff member to address the complaint. The complaint must contain the name of the licensee/applicant, allegation(s) and estimated date(s) of the incident/occurrence.

Complaints and comments can be sent directly to the Chairman and Vice Chairman via the "How Are We Doing?" link on the Board's website. People may maintain their anonymity, however to receive a reply or for an investigation to be conducted, specific information must be provided (name, allegation, date of incident), and contact information must accompany the submission. The communications received from this website will be monitored and reviewed by the Chairman and Vice Chairman for any investigations that need to be conducted.

Reviewed and Approved 05/2011

14. Policy on License Verifications

The information contained on license verifications shall include the following:

Name; License Number; Profession; Licensure Date; Expiration Date; License Status: Licensed By (Exam or Endorsement); Taken the NPTE; Discipline and Date of Action (if any).

A request for license verification must be made in writing and contain the signature of the licensee. The request may be a letter, form from the requesting jurisdiction or other request (fax cover sheet or hand written note) and must contain the name of the licensee, and the complete name and mailing address where the license verification is to be mailed.

License verifications shall be processed by the licensing assistant at least once per week to ensure timely receipt. The Executive Director must review and sign all license verifications attesting to be the custodian of records and certifying the information contained on the verification. The license verification must contain the raised seal of the Board.

Once reviewed and signed as required, the license verification and addressed and date-stamped mailing envelope are copied. These copies are placed with the original request letter and placed in the licensee's file. The original is mailed. Board staff shall not fax license verifications unless contacted directly by the receiving licensing jurisdiction requesting such. In the event of such request, the original verification will be mailed after the successful fax transmission.

Board staff shall not complete specific forms or create individual letters for license verification. The only official license verification to be generated is the license verification from the licensee database.

The information is the only certification information provided by the Board. If other information is needed, it must be obtained from the licensee/applicant, or institution which initially generated the information (i.e., NPTE scores, school transcript information, fingerprinting).

Created: September 1999

Updated: October 2010 changing title to Executive Director

15. Adopted Guidelines for Qualified Board Members

In addition to the provisions of NRS 640.030, the following apply to Board member appointments.

The Board shall consist of two licensed members from the north and two licensed members from the south. Ideally, one member should represent rural Nevada. The location of the public member is not considered.

The Board shall maintain balance based on the following:

1. Gender (a 2:3 balance of all members)
2. Age
3. Practice Type (hospital, outpatient, home health, geriatrics, pediatrics, etc.)

The Board shall consider maintaining a balance of educational levels, i.e. Bachelor's degree, Master's Degree and Doctorate Degree of the Board members. The Board will also take into consideration specialty certifications obtained.

The Board shall not recommend the appointment of a licensee who has been disciplined by this Board or any other licensing jurisdiction.

The Board shall not recommend the appointment of a licensee who is a professor/teacher/instructor at any formal educational institution.

The Board shall not recommend the appointment of a licensee who does not actively practice physical therapy in Nevada.

The Board shall not recommend the appointment of a licensee who has practiced in the State of Nevada for less than 5 years.

The Board shall not recommend the appointment of a licensee who holds a leadership position in the professional association, unless that person agrees to resign from that position in the event of appointment.

Updated 3/2009

16. Policy on the Release of National Examination Scores (PES or NPTE)

Upon a written and signed request of a licensee, or expired licensee, the Board will provide a copy of the examination results of the national examination to the licensee. The copy of the score will be stamped as a copy. The copy will be mailed to the person at their residential address of record, if licensed, or to the address provided in the request letter, if no longer licensed.

Upon the personal appearance at the Board office, the materials may be viewed by the public. Any requests for copies must redact the personal information of the licensee, including their address, date of birth, social security number, candidate identification number, etc.

As a courtesy, all examination candidates shall be provided with a copy of their score along with their initial licensure information.

Non-redacted score reports will not be released to any other person or entity, except in the event of a request from a law enforcement agency or in response to a licensing jurisdiction conducting an investigation pertaining to the licensee.

The actual examination score of a licensee may be verbally requested by any member of the public, licensing board, etc. Only the scale score shall be revealed and not the date or location of the test, the candidate identification number, date of birth, school code, breakdown of content areas, etc.

The Board shall not create any documents or complete forms providing a score or score information. An official score report can only be generated by the entity that owns and/or controls the examination.

Created: September 1999

17. Policy of granting licensure without fingerprint report from Nevada Highway Patrol

The **Nevada State Board of Physical Therapy** hereby adopts the policy of granting licensure upon receipt of a completed application, including the fingerprinting report from the Federal Bureau of Investigation, but excluding the results of the fingerprinting report from the Nevada Highway Patrol (NHP).

The reason for this change is to ensure continued protection of the public and to ensure that potential licensees are not hindered by the timeframe involved in obtaining reports from the Nevada Highway Patrol. This has been an issue for several years and the source of constant discussion.

History

Our Board fingerprints all applicants. The applicants send their two completed cards and fee to the Board office. We copy the cards and forward them to the NHP for processing. (We cannot send cards directly to the FBI). Up until a few months ago, the NHP would not forward the second card to the FBI until the NHP had performed its search.

The NHP now sends the FBI their card immediately upon receipt. The Board receives the report directly from the FBI within 4 weeks. The NHP report takes up to 12 weeks.

Communication with the FBI confirms that their reports cover all of the United States, including Nevada. Any negative findings would be reported by the FBI, therefore there is no need for the report from the NHP as a full report is provided by the FBI.

The Board discussed the possibility of allowing applicants to obtain a report on their SS# and name from the FBI. The board would provide a temporary license while awaiting the results of the fingerprinting. This policy avoids the need for that requirement. There is no need to add further responsibilities to the applicants. In addition, this avoids the need to issue temporary licenses under supervision and the tracking of those licenses.

Legal counsel has been consulted on this matter and is in agreement with the adoption of this policy.

Adopted this 27th day of July, 2006.

Pamela Hogan, PT, OCS FSOM
Chairman

18. Adopted Guidelines for Board Members, including Appointment of Positions of Chairman, Vice Chairman, Secretary/Treasurer and Board Representative to Advisory Committee on Continuing Education

Per the provisions of NRS 640.035, the open meeting law, training from the Attorney General's office, and Board policy, the following apply to Board members.

The Board shall elect a Chairman, Vice Chairman, Secretary/Treasurer and Board Representative to the Advisory Committee on Continuing Education.

The Chairman shall preside over all meetings of the Board in accordance with the Board Member Training Manual published by the Office of the Attorney General. The Chairman has no individual power or authority over matters the full Board must hear. The Chairman is the main contact for the Executive Director. The Chairman responds to inquiries outside the designated responsibilities of the Executive Director based on law, published opinions and adopted policies only. The Chairman reviews and approves the schedule of the Executive Director, including time off. The Chairman shall attend all meetings as called by the Governor. The Chairman position is not available to the Public Member. Per the Board Member Training Manual, a good Chairman should satisfy certain requirements: punctual; knowledge of basic parliamentary procedure; leadership ability; capable of being personable, yet at the same time be firm and orderly without endeavoring to be merely popular (the leader who see popularity usually fails); ability to handle critical and controversial issues; control of his or her emotions and convictions; impartiality while sitting as the chairman with exercise of common sense and good judgment; ability not to express ill will or negative thoughts about others openly; prepared for the topics on the agenda; knowledgeable about the statutes and regulations the board is charged with enforcing.

The Vice Chairman shall preside over Board meetings in the absence of the Chairman. The Vice Chairman has no individual power or authority over matters the full Board must hear. The Vice Chairman shall receive information from the Executive Director regarding time off. The Vice Chairman shall assist in responding to inquiries in the absence of the Chairman, and only based on law, published opinions and adopted policies only. The Vice Chairman position is not available to the Public Member.

The Secretary/Treasurer shall meet with the Executive Director once per month to review the bank statements and reconciliations. The Secretary/Treasurer shall affix his/her original signature to the bank statements, in red ink, to indicate review. The Secretary/Treasurer has no individual power or authority over matters the full Board must hear. The Secretary/Treasurer shall review all expense requests over \$2,500, except for rent, legal counsel invoices, and financial audits which are set by Board approved contracts.

The Chairman position shall be offered to the member who has been on the Board the longest if that person is interested and the Board's needs will be best served with the person in that position. If the Chairman resides in the North, the Vice Chairman position must be held by a Board member from the South, and vice-versa.

The Vice Chairman position shall be offered to the member who has been on the Board the second longest period, if that person is interested and the Board's needs will be best served with the person in that position.

The Secretary/Treasurer position can be held by any member of the Board who does not hold a position as Chairman or Vice Chairman. It is helpful to have this position held by a person in the south to avoid monthly flight costs to review banking.

The Board Representative to the Advisory Committee on Continuing Education shall be a physical therapist as required by NAC 640.490(2). The representative may hold another position on the Board.

Any matter under the purview of the Board must be addressed to the full Board at a regularly scheduled Board meeting. This is to ensure all members are aware of matters at the same time and have the opportunity to ask questions. This also ensures the public has the opportunity to participate in the discussions, as is required by statute. Additionally, this ensures the public has equal access to all Board members. The public includes the licensees.

Any Board member who wishes to attend or participate in a meeting/conference/workshop/focus group, etc., and whose title is necessary for participation or who will use their title as a Board member, must receive permission from the Board as a whole. This is performed by placing the item on a meeting agenda for discussion and voting. This is necessary to allow for public input, review of the budget, and to determine if the Board desires to be represented and participate in the event. Also, it affords the Board members an opportunity to address what issues they would like addressed at the event. Appearing/attending any event as a Board member means you will be representing the positions of the Board.

19. Per Diem, Lodging & Mileage Policies

Per Diem policy:

- For Board members and inspectors, must be at least 50 miles from home (not total of 50 miles total traveled) for per diem to be paid.
- For other Board staff, must be at least so miles from Board office (not total of so miles total traveled) for per diem to be paid.

Maximum reimbursement: Breakfast - \$8 Lunch- \$12 Dinner- \$26

- When an overnight stay is required, whether in state or out of state, on the first and last days of travel the rates are reimbursed at 75%.
- No reimbursement is made for board meetings, unless an overnight stay is required.
- No reimbursement is made for continuing education meetings.

Lodging:

- Must stay at a Nationwide Lodging Program hotel/motel.

Maximum rates reimbursed:

- Clark County \$99
- Washoe County \$94
- Douglas/Carson City \$91
- All others in state \$77
- Out of state \$99

If a specific course/conference is held in a hotel, the Board may consider reimbursing at a higher rate for the convenience of the attendee.

Mileage:

- Mileage for Board members and Board staff is reimbursed based on actual miles traveled for Board business.
- Mileage for Board members and Board staff is reimbursed at the state rate as noticed annually.
- Mileage for Board members is reimbursed for travel to and from the Board office.
- Mileage is not reimbursed for any Board staff members travelling to or from the Board office, for any reason.

Parking:

- Parking is reimbursed at the actual rate charged.

20. Policy Regarding Licensee/ Applicant Gifts to Others

NRS 640.160(2)(i) states, as follows:

The Board may take [disciplinary] action pursuant to subsection 1 if an applicant or person who has been licensed pursuant to this chapter ... (i) Has entered into any contract or arrangement which provides for the payment of an unearned fee to any person following his or her referral of a patient.

Licensees and applicants are directed to use their best professional judgment in adhering to this provision.

However, for purposes of this provision, a payment or gift may be considered improper if it is:

1. Made to a person in a position to generate business for the paying party.
2. Related to the volume of business generated; and
3. More than the nominal value-and/or exceeds fair market value---of any legitimate service rendered to the payer, or is unrelated to any services at all other than the referral of patients.

The Board does recognize an exception for compensation arrangements that involve nominal amounts of compensation. This exception only applies to non-cash items or services that do not exceed \$50 per gift and an aggregate of \$300 per year if the licensee and/or applicant providing the compensation makes it available to all similarly situated individuals, regardless of whether these individuals refer patients to them for services, and compensation may in no way take into account the volume or value of the referral or referrals made.

(Adopted January 16, 2014.)